

P A T E N T

Serial No.: 10/822,546
Filed: April 12, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark J. Whalen et al.

Serial No.: 10/822,546

Examiner: N/A

Filed: April 12, 2004

Group Art: 3763

For: DIAGNOSTIC URETHRAL ASSEMBLY & METHOD

Docket No.: 25064/104/102

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an enveloped addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28th day of

Sept. 2004
By: Laurie Gentrup
Laurie Gentrup

Sir:

LETTER TO OFFICIAL DRAFTSPERSON

Submitted herewith are seven (7) sheets of formal drawings for filing in the above-identified application.

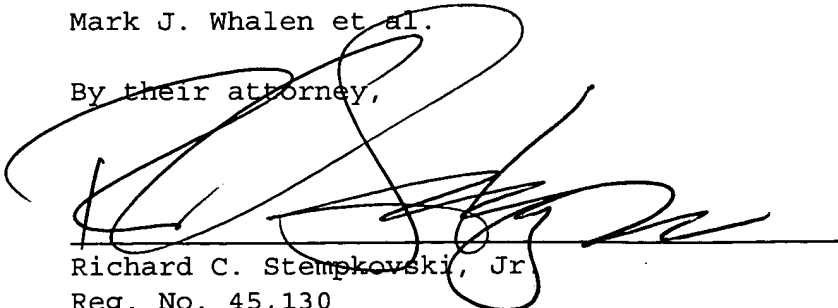
Respectfully submitted,

Mark J. Whalen et al.

By their attorney,

Date

9/28/04


Richard C. Stempkowski, Jr.
Reg. No. 45,130
NAWROCKI, ROONEY & SIVERTSON, P.A.
Suite 401, Broadway Place East
3433 Broadway St. N.E.
Minneapolis, MN 55413
(612) 331-1464



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**EVIDENCE OF DEPOSIT OF ITEMS WITH APPLICATION
INDICATED AS OMITTED IN THE "NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION"**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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By:

Laurie E. Gentrup
Laurie E. Gentrup

Sir:

In connection with the "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION" dated July 29, 2004, Applicant submits, herewith as **ATTACHMENT A**, the following evidence that the items indicated as omitted were in fact deposited with the Office on April 12, 2004, which is the original date on which the papers for this application were deposited: a photocopy of the date stamped return post card receipt showing thereon that the item(s) indicated as omitted were

in fact deposited (see MPEP, §503, 7th Ed.). Upon a determination that the items were received by the Office, Applicant understands that the petition fee herewith, pursuant to 37 CFR §1.17(h), will be refunded.

Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

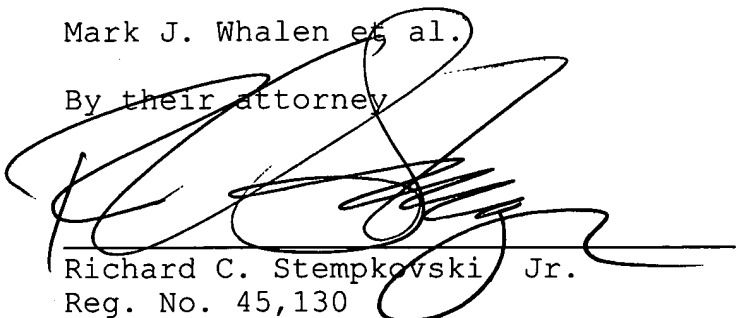
Respectfully submitted,

Mark J. Whalen et al.

By their attorney

Date

9/28/04



Richard C. Stempkowski Jr.
Reg. No. 45,130
NAWROCKI, ROONEY & SIVERTSON, P.A.
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This will hereby acknowledge receipt of the following documents by the U.S. Patent and Trademark Office:

Patent Application (38 Sheets of Specification, 9 Sheets of Claims, 1 Sheet of Abstract and 9 Sheets of Drawings), Declaration/Power of Attorney, Transmittal and Postcard with respect to the following:

DOCKETED

Applicant : Mark J. Whalen et al.
Serial No : N/A
Filed : N/A
For: : DIAGNOSTIC URETHRAL ASSEMBLY

APR 19 2004

Lynda Eberhard

File No. 25064/104/102

Date: April 12, 2004

Express Mail Label No. EV 332 555 716 US

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04/12/04

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/822,546	04/12/2004	Mark J. Whalen	25064/104/102

Richard C. Stempkovski, Jr.
 Nawrocki, Rooney & Sivertson, P.A.
 Broadway Place East, Suite 401
 3433 Broadway Street Northeast
 Minneapolis, MN 55413



CONFIRMATION NO. 1795

FORMALITIES LETTER



OC000000013385686

Date Mailed: 07/29/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/05/2004 MBERHE 00000059 140620 10822546 FILED UNDER 37 CFR 1.53(b)

02 FC:2051 65.00 OP
 03 FC:2001 10.00 DA 385.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figures(s) 8.

The following item(s) appear to have been omitted from the application:

- Figure(s) 5-7 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and

Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$246** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

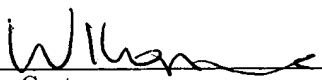
Total additional fee(s) required for this application is **\$696** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$246**
 - **\$129** for **3** independent claims over 3.
 - **\$117** for **13** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE